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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,607	01/13/2004	Katsuhiro Yoshida	04017/LH	4802
1933	7590	12/16/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			HA, NGUYEN T	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			2831	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,607	Applicant(s) YOSHIDA, KATSUHIRO	
	Examiner Nguyen T Ha	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0104</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because in the abstract line 1, the term "comprising" is legal phraseology.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wada et al. (US 6,320,742).

Regarding claim 1, Wada et al. disclose an anode member for a solid electrolytic capacitor (figures 1-4), said anode member/anode electrode (column 7, lines 43-44) comprising a valve metal thin plate (column 2, lines 28-29) and a valve metal powder layer/roughened layer formed on at least one surface of the valve metal thin plate and sintered (column 3, lines 40-41, and column 8, lines 48-52, figure 1), the valve metal powder layer/roughened layer having a groove (figure 1).

Regarding claim 8, Wada et al. disclose the valve metal being niobium or tantalum (column 5, lines 46-47).

Regarding claim 9, Wada et al. disclose (figure 2) a cathode (16, column 8, lines 44-45), and a dielectric member (14, column 8, lines 17-18).

Regarding claim 10, Wade et al. inherent disclose a method of producing a solid electrolytic capacitor, said method comprising the steps of: forming a valve metal powder layer/roughened layer on at least one surface of a valve metal thin plate (column 2, lines 28-29, column 3, lines 40-41), and sintering the powder layer (column 8, lines 48-52, figure 1), said powder layer/roughened layer being provided with a groove (figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (US 6,320,742).

Regarding claim 2, Wada et al. disclose all the claimed limitations discussed above with respect to claim 1, except for the groove has a depth corresponding to 20% or more of the thickness of the valve metal powder layer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a groove has a depth corresponding to 20% or more of the thickness of the valve metal powder layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. ***In re Aller, 105 USPQ 233.***

Regarding claim 4, Wada et al. disclose all the claimed limitations discussed above with respect to claim 1, except for the valve metal powder layer has a thickness 50 μm or less. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a valve metal powder layer has a thickness 50 μm or less, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. ***In re Aller, 105 USPQ 233.***

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (US 6,320,742) in view of Franklin et al. (US 4,494,299).

Regarding claims 5-7, the limitations of a groove being formed by masking, formed by stamping or formed by marking have been considered, however, the presence of process limitations in product claims, which product does not otherwise

patentably distinguish over prior art, cannot impact patentability to the product. *In re Stephens 145 USPQ 656 (CCPA 1965)*.

Regarding claims 5-7, Wada et al. disclose all the claimed limitations discussed above with respect to claim 1 above, except for the groove being formed by masking to the valve metal powder layer before sintering.

Franklin et al. disclose a groove being formed by masking or marking/etching or stamping to the valve metal powder layer before sintering (figure 2, column 2, lines 58-65, and column 4, lines 26-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have use the forming technique of Franklin in Wada in order to prevent leakage current.

Allowable Subject Matter

7. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 3, the prior art alone or in combination does not teach the limitations of an anode member further comprising a grooved portion which correspond to a valve metal power layer presented under a groove, the grooved portion having a thickness 50µm or less.

Conclusion

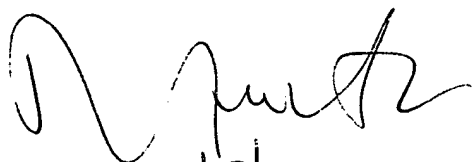
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Ha whose telephone number is 571-272-

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1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



12/8/04

Nguyen T. Ha
December 8, 2004